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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/931,855

08/20/2001

Tetsuya Hara

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EXAMINER

CHAU, COREY P

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/931,855

Applicant(s)

HARA, TETSUYA

Examiner

Corey P Chau

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/20/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. Figures 7, 8, and 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6243032 to Uramoto et al (hereafter as Uramoto)

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

5. Regarding Claim 1, Uramoto discloses an audio decoding method that receiving audio data including a plurality of coded sample data (i.e. interface face unit receiving audio digital data stream, wherein the audio digital data stream is transmitted in units of frame data including a plurality of coded sample data) (Claim 1); decoding the coded sample data (i.e. decoder unit sequentially decoding the audio digital data stream) (Claim 1); grouping a plurality of the sample data, after decoding into a block (PCM AUDIO DATA) (Fig. 3, reference 32); adding control information relating to an attribute to each block (i.e. add tag data indicating an attribute of said sample data to said sample data) (Claim 1); temporarily storing the blocks (i.e. storage unit to receive and buffer decoded data) (Claim 1); and outputting the sample data of each block, temporarily stored, based on the control information added to the respective block (i.e. audio signal converter unit receiving data from said storage unit to convert the received

data into digital signal and controlling timing of data output according to said tag data after decoding) (Claim 1).

6. Claim 2 is essentially similar to Claim 1 and is rejected for the reasons stated above apropos to Claim 1.

7. All elements of Claim 3 are comprehended by Claim 1. Claim 3 is rejected for the reasons stated above apropos to Claim 1.

8. Regarding Claim 5, Uramoto discloses decoding unit adds to the control information starting information that indicates sample data from which output control can be started (i.e. decoder unit sequentially decodes the audio digital data stream to add tag data indicating the sample data attribute to the sample data. An audio signal converter unit controls the timing of data output according to the tag data) (column 3, lines 11-20).

9. Regarding Claim 6, Uramoto discloses decoding unit adds to the control information channel information indicating number of channels that are to be output for each sample data (i.e. tag data includes audio channel information) (Claim 5).

10. Regarding Claim 8, Uramoto discloses decoding unit adds to the control information an information indicating down sample (column 6, lines 45-55; Claim 10).

11. Regarding Claim 9, Uramoto discloses decoding unit adds to the control information length information indicating word length of data to be output (i.e. tag data includes word length information of said sample data) (Claim 8).

12. Regarding Claim 10, Uramoto discloses decoding unit adds to the control information length information indicating word length of data to be output when there are plurality of outputs (column 8, lines 7-14).

13. Regarding Claim 11, Uramoto discloses decoding unit adds to the control information channel information indicating formation of an output channel (Table 1; column 6, lines 27-44).

14. Regarding Claim 12, Uramoto discloses decoding unit adds to the control information slot information indicating number of slots of the output channel (Table 1).

15. Regarding Claim 13, Uramoto discloses the number of slots is variable (column 8, lines 3-8).

16. Regarding Claim 14, Uramoto discloses decoding unit adds to the control information distribution information indicating data distribution of said output unit (column 4, lines 50-58; column 6, lines 27-38; Table 1).

17. Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(a) as being anticipated by applicant's submitted prior art.

18. Regarding Claim 1, applicant's submitted prior art discloses an audio decoding method that receiving audio data including a plurality of coded sample data (page 1, paragraph 0002); decoding the coded sample data (page 1, paragraph 0002); grouping a plurality of the sample data, after decoding into a block (Fig. 9); adding control information relating to an attribute to each block (Fig. 9; page 1, paragraph 0005); temporarily storing the blocks (page 1, paragraph 0002); and outputting the sample

data of each block, temporarily stored, based on the control information added to the respective block (page 1, paragraph 0005).

19. Regarding Claim 4, applicant's submitted prior art discloses decoding unit groups sample data having identical attributes into one block (Fig 9).

20. Regarding Claim 7, applicant's submitted prior art discloses decoding unit adds to the control information number information indicating number of sample data that have been grouped in one block (Fig. 9; page 1, paragraph 005).

### ***Conclusion***

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (703)305-0683. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on (703)305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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